



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 28, 1998

Mr. Michael M. Kelly  
Assistant District Attorney  
County of Victoria  
P.O. Box 488  
Victoria, Texas 77902

OR98-1065

Dear Mr. Kelly:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115353.

The Criminal District Attorney's Office (the "district attorney") received a request for various information relating to traffic case prosecution. You raise no exception to disclosure on behalf of the district attorney's office, and make no arguments regarding the confidentiality of the requested information. Nor have you submitted copies of the requested information for our review.

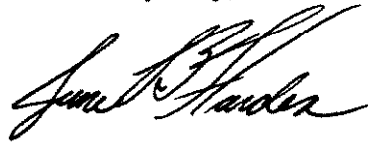
Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile dated March 17, 1998, that you had failed to submit the information required by section 552.301(b), specifically a copy of the requested information. We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e) failure to comply would result in the legal presumption that the information at issue was public. *See Open Records Decision No. 497 (1988) (fact that submitting copies for review to Attorney General may be burdensome does not relieve a governmental body of the responsibility of doing so).* As of the date of this letter, you have not provided our office with the information that was requested. Therefore, as provided by section 552.303(e), the information that is the subject of this request is presumed to be public. In the absence of a demonstration that the information is

confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information in your possession to the requestor.<sup>1</sup> Open Records Decision No. 195 (1978). *See also* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/gle

Ref.: ID# 115353

cc: Mr. Howard G. Barker  
American Drivers Association  
200 Gate Way Center, Suite 326  
Liberty City, Texas 75662  
(w/o enclosures)

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<sup>1</sup>We note that the County Attorney is not the custodian of records for all county offices. *See* Govt Code § 552.201(b).